

## **REMARKS**

The objection to the specification has been obviated by applicant's the amendment to page 9, correcting the cited informality.

Applicant respectfully traverses the 35 U.S.C. § 102(b) rejection of claims 1, 3 and 6 over Nemoto. Applicant also respectfully traverses the 35 U.S.C. § 103(a) rejection of claim 5 over Nemoto; the rejection of claims 2, 7-9 and 11 over Nemoto in view of Inagaki; and the rejection of claims 10 and 12 over Nemoto, Inagaki, and Liaw.

Applicant has amended claims 1 and 7 to recite, in addition to the features originally recited in these claims, that an amount of the electrolytic solution provided into the lithium ion secondary battery is equal to or larger than an amount, at which an inflection point, that is related to a generation amount of the decomposition gas per unit time when the lithium battery is overcharged, appears. Applicant also has cancelled now superfluous claim 5.

None of Nemoto, Inagaki, nor Liaw includes any disclosure, in combination with the other features of claims 1 and 7, of an amount of electrolytic solution provided into a lithium ion secondary battery being equal to or larger than an amount, at which an inflection point, that is related to a generation amount of decomposition gas per unit time when the lithium ion secondary battery is overcharged, appears.

At least for this reason, Nemoto does not anticipate claims 1 or 7, or their dependent claims under § 102(b). Combining Nemoto with Inagaki alone, or Inagaki and Liaw, fails to suggest all of the features of claims 1 or 7, or their dependent claims under § 103(a).

The § 102(b) and § 103(a) rejections, therefore, are unsupportable and should be withdrawn.

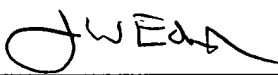
In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: February 16, 2007

By:   
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